IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 3607 OF 2003

IN

SUMMARY SUIT NO. 3046 OF 1986

M/s. Manilal Patel and Co. ...Plaintiffs.
vs.
M/s. M.J. Durazi and Bros ...Defendants.

None for the plaintiffs.

S. Ardeshir iby. Vigil Juris
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 2nd March, 2006.

P.C. :

1. The present notice ofmotion is taken out for setting aside the ex-parte decree dated 8.12.2003. For the reasons set out in the affidavit in support and inview of the fact taht the plaintiffs have not filed reply to the motion

nor they are appearing in the matter, I grant prayer clause (a) and (b) on following conditions.

2. The defendant to deposit in this court a sum of Rs. 4 lacs withina period of four weeks from today and defendants to pay cost quantified at Rs.10,000/- to Mahrashtra State Legal Services Authority. The amount so deposited will be invested by the Prothonotary and Senior Master in fixed deposits of any nationalised bank for a period of 13 months and renew the same from time to time till further orders from this court.

3. In an event if the amount is not deposited motion to stand dismissed. In an event if the amount is deposited motion to be made absolute.

. Motion to come up in usual course.

sd/-

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